

**MINUTES  
of the  
FOURTH MEETING  
of the  
CRIMINAL JUSTICE REFORM SUBCOMMITTEE  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**September 26, 2018  
State Bar Center  
5121 Masthead NE  
Albuquerque**

**September 27, 2018  
State Capitol, Room 322  
Santa Fe**

The fourth meeting of the Criminal Justice Reform Subcommittee of the Courts, Corrections and Justice Committee was called to order by Senator Sander Rue, co-chair, on September 26, 2018 at 9:49 a.m. at the State Bar Center in Albuquerque.

**Present**

Rep. Antonio Maestas, Co-Chair  
Sen. Sander Rue, Co-Chair  
Sen. Gregory A. Baca  
Rep. Gail Chasey  
Rep. Jim Dines (9/26)  
Sen. Richard C. Martinez  
Sen. Cisco McSorley

**Absent**

Rep. Zachary J. Cook

**Guest Legislators**

Rep. Daymon Ely (9/27)  
Sen. Bill B. O'Neill (9/26)

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Celia Ludi, Staff Attorney, Legislative Council Service (LCS)  
Randall Cherry, Staff Attorney, LCS  
Erin Bond, Research Assistant, LCS

**Guests**

The guest list is in the meeting file.

## **Handouts**

Handouts and other written materials are in the meeting file.

## **Wednesday, September 26**

### **Call to Order and Introductions**

Senator Rue welcomed everyone to the meeting, and subcommittee and staff members introduced themselves.

### **Crime Prevention and Early Childhood Experiences**

Bryce Pittenger, licensed professional clinical mental health counselor, director, Behavioral Health Services Division, Children, Youth and Families Department (CYFD), announced that the Interagency Behavioral Health Purchasing Collaborative launched its initial forum on September 25, 2018. The collaborative, composed of representatives from the CYFD, the Department of Health, the Human Services Department (HSD) and other interested agencies, including the Public Education Department, will coordinate relevant government and private entities' efforts to develop a trauma-informed human services system to meet the needs of New Mexico children.

Ms. Pittenger discussed her slide presentation, titled "Children's Behavioral Health Focus on Diversion by Becoming a Trauma Responsive System". She noted that New Mexico is ranked fiftieth among the states with regard to overall childhood conditions based upon the social determinants of health: economic stability; neighborhood and physical environment; education; food; community and social context; and health care.

Ms. Pittenger described the mechanisms by which adverse childhood experiences (ACEs) influence health and well-being throughout the human lifespan. ACEs include sexual abuse, physical abuse, emotional abuse, neglect and witnessing family violence. She noted that four or more ACEs can have dramatic long-term consequences by disrupting neurodevelopment, leading to social, emotional and cognitive impairment; significantly increasing the risk of chronic health problems, including substance abuse and addictions, as well as involvement in the criminal justice system; and often leading to early death. New Mexico has the highest rate in the country of children experiencing between three and eight ACEs. A recent study showed that 12.5 percent of the general population in New Mexico, including 62 percent of parents and 69 percent of infants, have four or more ACEs.

Ms. Pittenger described how the CYFD is moving toward a trauma-informed approach to serve high-needs populations and how ACEs analysis is utilized by the CYFD to allocate its limited resources to focus on these needs. She noted the large number of children in New Mexico with high needs and reported the phenomenon of "crossover youth", which are children involved in child protective services who often end up in the juvenile justice system.

She noted that children and parents require similar services and that the CYFD is developing programs to provide children with the most serious and complex needs with "wrap-around" services. She described wrap-around services as a social model composed of a team of providers who work with both the child and the family to address the child's individualized needs. She reported that the model has shown significant success both nationally and internationally and is being piloted in Lea County and Portales.

Ms. Pittenger noted those districts and counties with the highest needs and described the programs currently available and the challenges facing the state. She reported that the CYFD is providing and developing programming to meet these challenges, including prevention through family interventions with home visits and parenting programs.

She also described a new youth support program wherein young adults from 18 to 30 years old provide peer support to younger people from 14 to 26 years old. The program is based on a successful adult peer support model and is designed to help youth and young adults transition to adulthood.

Ms. Pittenger listed among the state's challenges a limited provider workforce and a need for better evaluation of client needs, better access to services and better data collection. She noted the elements that the CYFD believes are necessary to meet the state's challenges, including a trauma services system responsive to the needs of priority populations, statewide access to high-quality services and coordination of efforts.

Dr. Wayne Lindstrom, director, Behavioral Health Services Division, HSD, and chief executive officer, Interagency Behavioral Health Purchasing Collaborative, discussed certain current services and programs provided by the division.

Dr. Lindstrom discussed the PAX Good Behavior Game Initiative (PAX). He explained that PAX is not a "game" but is an educational approach that develops self-regulation in children.

Dr. Lindstrom noted that teachers often "burn out" because they spend a great amount of time managing students instead of teaching them. PAX is a behavioral development method designed to reduce the need to manage students. He noted that PAX is 50 years old this year and has proven extremely successful, both nationally and internationally, at achieving this goal.

PAX was piloted in the Ruidoso and Farmington municipal school districts in 2012. Currently, 11 districts have implemented PAX in 46 schools. Dr. Lindstrom noted that research indicates PAX's significant success, including lower rates of classroom disruption, increased attendance, higher grades, higher graduation rates and higher college attendance. He also noted improvements in social competency among students and lower burn-out rates among teachers.

Dr. Lindstrom stated that the rate of return on investment in the program is approximately \$60.00 for every \$1.00 spent. Assuming its application to 12,000 students, PAX could render a

\$156 million overall cost savings in health, criminal justice and other social services over the students' combined lifetimes, he said.

Dr. Lindstrom also noted that the division is expanding its parent home visit services. Its efforts are being focused on pilot projects in Bernalillo, Curry and Roosevelt counties, with a fourth county as yet undetermined. He said that Medicare/Medicaid funds are supporting this effort. Finally, the division plans to expand services to infants.

Members asked Dr. Lindstrom why PAX was not implemented long ago if it is 50 years old and so successful. He responded that research shows that evidence-based tools like PAX take approximately 17 years to achieve broad adoption. Further, PAX's originator has admitted that he failed to adequately promote his program. Also, there was limited funding for implementation in New Mexico. Dr. Lindstrom did not know the cost to implement PAX statewide, but he noted that the Santa Fe Public School District has implemented PAX with a sustaining cost of \$200,000 per year.

Regarding the selection process for participating schools and districts, Dr. Lindstrom stated that when the PAX program was first introduced, applications were sent to all school districts in the state. Few responded to the original offer, but now the division is being contacted regularly by interested districts. He also noted that the Albuquerque Public School District is looking at PAX but has not implemented it yet.

He noted that PAX training is provided to teachers through a private third-party contractor. The initial training takes two days, and participating teachers receive continuing support.

A member asked Ms. Pittenger to discuss provider needs in the state. She noted that there is a lack of providers. The state lost 700 to 900 clinicians in recent years who transferred from being practitioners to care coordinators. She also warned of the need for increased numbers of providers to provide wrap-around services and noted that only infant mental health practitioners require a professional license.

Discussing how clients are identified, Ms. Pittenger explained that it depends on the child and the need. Some children may be identified when they are in custody or under investigation. Clients who receive wrap-around services must meet criteria indicating high needs. Life skills and youth support are available to any child. Infant mental health clients come from child protective services or community member referrals.

Dr. Lindstrom and Ms. Pittenger explained that there is a severe shortage of service providers, both statewide and nationally. Dr. Lindstrom noted that there is little incentive or support for students in the field. He said that there is a lack of scholarships and fellowships and that wages are low.

Dr. Lindstrom explained that the PAX program currently engages children in first through third grades, but the division is considering implementing PAX in preschool programs. He described PAX as reinforcing positive behaviors through a reward system for the entire class. Children begin to support each other in good behaviors to promote success for the entire class. He also noted that there has been great support from all of the teachers who have been exposed to the program.

### **Juvenile Sentencing**

James Dold, advocacy director and chief strategy officer, Campaign for the Fair Sentencing of Youth, presented on the topic of charging and punishing children as adults. Mr. Dold discussed his slide presentation, titled "Kids Are Different: Creating More Fair and Age-Appropriate Sentences for Children in New Mexico".

Mr. Dold noted that while a juvenile offender may be sentenced in New Mexico as an adult for first degree murder (Section 31-18-15.3 NMSA 1978), including life without parole (Section 31-18-14 NMSA 1978), New Mexico is one of five states that does not impose life without parole on children. However, Mr. Dold recommended that New Mexico amend the relevant statutes to outright prohibit imposing life without parole on a juvenile offender to remove that option.

Mr. Dold explained that states began charging children as adults in the 1980s and 1990s in response to a number of high-profile crimes. However, brain research has since revealed that the human brain does not fully mature until approximately age 25. Therefore, preteens who commit crimes are not acting with fully functioning brains.

The United States Supreme Court has recognized this reality and has struck down as unconstitutional a number of state laws dealing with this subject. In 2005, the court outlawed the death penalty for juvenile offenders. (*See Roper v. Simmons*, 543 U.S. 551, 125 S.Ct. 1183, 161 L.Ed.2d 1 (2005)). In 2010, the court determined that life without parole was unconstitutional for non-homicide cases. (*See Graham v. Florida*, 560 U.S. 48, 130 S.Ct. 2011, 176 L.Ed. 2d 825 (2010)). In 2012, the court continued to narrow acceptable sentencing, deeming unconstitutional a sentence of life without parole unless the court engaged in a review of the specific circumstances of the crime. (*See Miller v. Alabama*, 567 U.S. 460, 132 S.Ct. 2455, 183 L.Ed. 2d 407 (2012)). Finally, in 2016, the court clarified a number of issues it raised in *Miller*, including noting that a state can remedy a *Miller* violation if it extends parole eligibility to juvenile offenders. (*See Montgomery v. Louisiana*, \_\_\_ U.S. \_\_\_ 136 S.Ct. 718, 193 L.Ed. 2d 599 (2016)).

Mr. Dold provided recommendations for model language to prohibit imposing life without parole on juvenile offenders, and he introduced two witnesses who discussed their experiences as juveniles sentenced as adults. Both were sentenced to long prison terms, but they were able to obtain release on parole. Both became high-functioning and contributing citizens.

Members asked what the solution was for New Mexico, and they discussed the language offered by Mr. Dold. Mr. Dold suggested that a parole review should be mandatory after 15 to 20 years. A member argued that this was too long for a juvenile. The members also discussed the services available to females within the juvenile system, which a witness suggested should be expanded.

### **Alternatives to Juvenile Detention**

Craig Sparks, director, Bernalillo County Youth Services Center, discussed promising trends in juvenile justice.

Mr. Sparks noted that the Youth Diagnostic and Development Center (YDDC) currently has 78 beds, down from 111. He noted that this reduction began when an Annie E. Casey Foundation (Casey Foundation) study revealed that 80 percent of inmates are incarcerated for misdemeanors or probation violations. Instead of incarcerating nonviolent juvenile offenders, the juvenile justice system now employs alternatives to detention based on the Juvenile Detention Alternatives Initiative (JDAI) created by the Casey Foundation.

Mr. Sparks noted that New Mexico adopted the eight JDAI core strategies in 2003: (1) collaboration among agencies; (2) reducing racial disparities; (3) improving conditions of confinement; (4) recognizing special populations; (5) improving case processing; (6) making data-driven decisions; (7) developing alternatives to detention; and (8) developing objective standards for admission. In 2005, the state became a national model site for Casey Foundation juvenile justice reform efforts. In 2007, the legislature created the Juvenile Justice Continuum Grant Fund (Section 9-2A-14.1 NMSA 1978), which authorizes local and tribal authorities to seek grants to support implementation of services and nonsecure alternatives for juvenile offenders. Currently, 22 counties have continuum programs.

Mr. Sparks explained that the programs are working, but he noted that there is a need for additional programming. He explained that the fund was designed to encourage innovation to meet local needs. Requiring evidence-based programs is problematic, as needs in New Mexico are diverse and require flexibility. History has shown that evidence-based programs that work in other states may not work in New Mexico.

Mr. Sparks also noted that Bernalillo County is currently experiencing the lowest juvenile crime rate in its recorded history.

A member asked why referrals to the continuum program in Bernalillo County had dropped from approximately 10,000 per year to approximately 2,200. Mr. Sparks responded that there have been significant reductions in technical referrals from schools, both in Bernalillo County and statewide. He explained that several years ago, as a result of national and local news coverage of violence in schools, most schools engaged in a "zero tolerance" approach to any altercation. He used the example of a fight between two students that might result in the arrest of bystanders who were not involved in the actual fight. He said schools and law enforcement now

take a more reasoned approach, resulting in significantly fewer detentions. Mr. Sparks also pointed to lower recidivism. He noted that incarceration costs \$326 per day, while supervision costs only \$33.00 per day, and that supervision has resulted in lower recidivism rates.

In response to questions, Mr. Sparks explained that recidivism rates are not broken down to allow a comparison between children who received detention and those in a diversion program. However, he said that national studies indicate that with or without treatment, approximately 70 percent of children never reoffend, but the remaining 30 percent need treatment, and their offenses may escalate in violence. There is, however, little evidence of any pattern, except it appears that the earlier the age of the first offense, the higher the likelihood of reoffending.

Mr. Sparks noted that the University of New Mexico has piloted the ADOBE Program (Averting Disparities in Outcomes by Building Engagement) in Bernalillo County, which is showing great promise. The program intervenes with children in the YDDC who have had two or more referrals within one year. An ADOBE representative meets with a child in the YDDC and continues to meet with the child in the home. The program addresses the educational, health and legal needs of the child.

#### **New Mexico Sentencing Commission (NMSC) Evaluation of Santa Fe Law Enforcement Assisted Diversion (LEAD) Program**

Linda Freeman, executive director, NMSC, and Emily Kaltenbach, member, Santa Fe LEAD Policy Coordinating Committee, and New Mexico state director, Drug Policy Alliance, discussed the Santa Fe LEAD Program.

Ms. Freeman discussed her handout, titled "A Discussion of LEAD Santa Fe and the Development of LEAD Programs in other NM Jurisdictions" (report). She explained that the NMSC was retained to review the Santa Fe LEAD Program, and she gave a brief description of the program's history and purpose.

Ms. Freeman stated that the Santa Fe LEAD Program is a pretrial diversion program. It allows an officer to refer low-level offenders involved in criminal behaviors as a result of opioid dependency directly to programming instead of making an arrest. Launched in 2014, LEAD treats opioid-related offenses as a public health, rather than a criminal justice, issue. Santa Fe was the second site in the nation to implement the program, following Seattle, Washington. There are currently 35 active programs nationwide.

The presenters described the program goals and principles and explained the entry and services process. Clients can join the program through a police contact or social referral.

Ms. Freeman described the findings in the report, noting that research was difficult because the NMSC began its evaluation late in the process and it was impossible to contact some

of the clients. Further, LEAD is a harm-reduction model, so there is no end to the services. This makes success difficult to evaluate.

The report nevertheless reached a number of positive conclusions (see page 3 of the report), including a 48 percent reduction in client-related emergency medical services calls and increases in the number of client days worked and clients' access to permanent housing.

Ms. Freeman also noted a decrease in post-diversion arrests, but she pointed out that the improvements do not last longer than six months post-diversion. She could not explain this phenomenon, noting that the NMSC would need more data to reach a conclusion.

The presenters summarized the conclusions, noting that the evaluation was limited because of the lack of data, but they noted indications of success and the broad support from stakeholders. They informed the subcommittee that with federal funding, the program will soon be implemented in Bernalillo, Dona Ana and Rio Arriba counties.

In response to questions, Ms. Kaltenbach stated that there tends to be a reduction in case management needs after around four years, but she noted that recovery is a long process, perhaps eight years on average, and may be ongoing. She also noted that the providers review the client service plans every six months.

In response to questions, Ms. Freeman suggested that the program might be improved by not limiting it to opioid users. A subcommittee member agreed. Ms. Kaltenbach explained that local stakeholders decide the program parameters. Those stakeholders include the district attorney, city attorney, public defender and law enforcement.

Ms. Kaltenbach explained in response to questions that the decision to exclude from participation persons promoting prostitution and violent offenders was a stakeholder policy decision. Burglars are also excluded, but having a past burglary arrest or conviction does not disqualify a client.

Ms. Freeman also discussed police involvement. She said that she could not reach any statistical conclusions because of limited data, but she has conducted police officer interviews. She reported that high turnover is a problem, that ongoing training is provided and that there is strong support for the program at the leadership level. While there is generally good support at the officer level, a small group of officers still provide most of the referrals. A member suggested requiring LEAD training at the New Mexico Law Enforcement Academy.

### **Public Comment**

William Zunkel read his handout, titled "In Holland the Prisons Have Curtains".



**Thursday, September 27**

**Call to Order and Introductions**

Representative Maestas welcomed everyone to the meeting, and subcommittee members and staff members introduced themselves.

**Discussion of Criminal Justice and Public Safety Data Collection, Analysis and Application**

Representative Maestas explained that the subcommittee convened this special meeting in an effort to improve data sharing and communication in the criminal justice system.

Ms. Freeman discussed the processes by which the NMSC receives data. She also observed that much of the progress achieved between 2005 and 2010, such as the "consolidated offender query" developed by the NMSC in cooperation with numerous other agencies, was lost because of the loss of funding to maintain and improve data systems.

Ms. Freeman noted that the NMSC uses a broad array of data from many sources pursuant to its authority under statute and rule. She explained the process using an example contained in her handout, titled "NMSC Criminal Justice Reform Subcommittee Presentation". She noted that the data on an individual can vary significantly depending on the agency and the individual involved in obtaining or recording the information.

In Ms. Freeman's example, a female is arrested. The officer enters information in his or her report. The female is then taken to a detention center, where a new person enters information, including fingerprint information. Ms. Freeman noted that fingerprint information resides at the Department of Public Safety (DPS), but the sophistication of the fingerprint equipment can vary widely depending on the local agency. The detention center will share information by hard copy with the court and may also provide a hard copy to the district attorney.

In a real-life example, officers saw a person loading a car. When they approached, the person threw away what the officers determined to be heroin and a pipe. They witnessed the act and made an arrest. They charged the person with drug possession, tampering with evidence, possession of drug paraphernalia and evading arrest. The case was filed in magistrate court.

The defendant's record turned out to include 36 arrests and 69 charges. She had a hyphenated last name, and a data-entry person had misspelled the first name. The Federal Bureau of Investigation (FBI) and the DPS's Special Investigations Unit (SIU) numbers were the same in every record. She explained that those numbers are biometrically related to the individual via fingerprint.

Ms. Freeman noted that New Mexico has a unique number for each individual because of the SIU and FBI numbers. She explained that the SIU number changes by state, but the FBI number is the same nationwide. She stated that, as researchers, the NMSC depends on the SIU

and FBI numbers. Names are not relevant for the NMSC, but she pointed out that mistakes in identification by other agencies can result in significant problems.

Ms. Freeman observed that a significant opportunity for confusion arises when the data-entry technician at a detention center enters charges into the data system. Law enforcement enters its charges at the time of arrest, but the detention center converts those charges to codes obtained from a charge code table maintained by the Administrative Office of the Courts (AOC). The table contains approximately 6,000 codes, which are often confused and result in inconsistent charging records for the same individual.

Ms. Freeman referred to her first example, noting that the charges were inconsistent when comparing the arrest record to the DPS record and complaint. She also noted that the magistrate court also enters data, adding another opportunity for data-entry errors.

Ms. Freeman concluded that multiple people enter data in the system. This offers many opportunities for error. She also noted that while the correct FBI and SIU numbers were entered in her first example, allowing for verification of the female's identity, this is not always the case. She suggested that the state needs to implement parallel systems to ensure consistent data across those systems.

In response to questions, Ms. Freeman clarified that the SIU number is the only data point created in New Mexico that is tied to a fingerprint. Thus, it makes sense to include the SIU number in every record in every system.

A member agreed that the state already has a unique identifier — the SIU number — but it is not used consistently. For example, there should be one computer screen that shows everything about a person's criminal history when the person is delivered to prison. The member also noted that a court needs to see the same information for sentencing.

A member asked whether district attorneys (DAs) use the SIU number. Ms. Freeman did not know, but she noted that there are a large number of redundancies in the current system that are mostly paper-driven. A member explained that DAs create their own numbers for their cases.

There was discussion regarding how an identity is established at a stop when the person does not have identification and uses another name, perhaps that of a family member. A member explained that it may not be resolved until a warrant is issued for the wrong person and that person proves that he or she is not the arrestee.

As to a solution, Ms. Freeman suggested that the state should build its capacity to share data among agencies and that the NMSC should have access to and monitor the data to ensure quality. As to whether a statutory mandate is necessary, she stated that the key is to have rules regarding what data agencies can collect and how they can share and use the information. She agreed that there should be a central repository that receives and maintains a broad range of data.

The discussion touched on a number of miscellaneous topics. Ms. Freeman noted that social security numbers are still used by the courts for some purposes but are limited in public-facing documents. With regard to the charge code table, Ms. Freeman noted that the AOC maintains and updates the table and that it is difficult for booking officials to input the correct charge because they have little time and expertise, which results in inconsistent records.

Ms. Freeman explained that the NMSC does not evaluate demographic information such as race or ethnicity because it cannot be verified. That is, the information is inconsistent. It is unclear who makes the determination in each individual incident. Is it the arrestee, the officer or someone else? A member responded that it is important to find out if there are disparities in real criminal justice reform. He suggested that the NMSC provide a recommendation on how to obtain that information.

A member asked how DNA and fingerprints are obtained upon a felony arrest. DPS representatives responded that fingerprints are generally collected by live-scan systems that connect to the DPS records center at the local detention center. DNA swabs are collected at the same time.

Adolfo Mendez of the Second Judicial District Attorney's Office gave a slide presentation on recent efforts to improve data collection and analytics in the Second Judicial District. He noted that public safety is the ultimate goal and that the philosophy is that swiftness and certainty are keys to drive down crime.

To that end, the Second Judicial District has partnered with the New Mexico Institute of Mining and Technology (NM Tech), New York University, the University of Cincinnati and private entities to develop a computer-based analytical system that will allow the office to analyze criminal activities in Bernalillo County using innovative techniques. The system is still under development but is already showing good results.

Analyses indicate that a relatively small number of offenders are responsible for a disproportionately high number of crimes and arrests. Mr. Mendez noted that no DA has the resources to prosecute every offense. Thus, his office must focus its resources on those individuals who present the highest risk. The system will give the office the data it needs to do that.

He noted that the system reveals connections between crimes and offenders and shows clusters of offenses by location. As a result, patterns and needs can be detected. This not only assists the DA in determining how to focus its prosecutions, but it will allow the city and county to focus its limited law enforcement and social resources on the highest-risk individuals and areas. A member noted that this is an important point — the system should be used to enhance the delivery of all social services, not just criminal justice.

Mr. Mendez stated that when the system is fully developed, his office intends to offer the system to other DA offices in the state.

In response to questions, Mr. Mendez stated that his office has been working on the system conceptually since the beginning of 2018 but began actual development and implementation when funding became available on July 1, 2018. He noted that the system will be able to interface with other agencies and databases with proper software.

There was discussion that the criminal justice system must ensure the correct identity of individuals across agencies. Mr. Mendez stated that his office's system checks a broad range of databases and compiles and compares the information obtained, including court and Motor Vehicle Division records. If a positive identification cannot be made, the case is dismissed.

Representatives from the Administrative Office of the District Attorneys (AODA) stated that the AODA already maintains a data system for the DAs that maintains and compares SIU numbers, FBI numbers, National Crime Information Center records, dates of birth and different names for each case. When a new case is filed, the system reviews all records related to the data to see if the person is already in the system. A new record is created only if there are no matches of existing data. The AODA provides training constantly to different DA offices to teach administrative staff how to use the system. The representatives explained that when the DPS receives an arrest record, it is not shared with the DAs. Also, some jails do not have an automated fingerprinting system and do not always use the FBI and SIU numbers.

Bennett J. Baur, chief public defender, Law Office of the Public Defender, noted that his agency creates and checks data points, and he emphasized the need to cross-check and verify records. He said that it is not unusual for a DA and a public defender to have conflicting records regarding convictions. He recommended that criminal justice data should be maintained in a neutral location.

A member asked whether and how an individual can correct an error in a record. An audience member responded that much of the data in the process is created and maintained by law enforcement and is not available to the public until charges are filed with a court. The member agreed that the key is the person who inputs the data. The systems can speed up the processing and improve analysis, but the data must be accurate at the time of input.

In response to a question, Mr. Mendez explained that his office will contract with the University of Cincinnati to use some of its algorithms and that his office is using federal funds for some of the project. It has also contracted with NM Tech for much of the project and is using open-source software as well. He could not estimate the total cost of the project in dollars or labor hours.

A member noted that Albuquerque is ranked fifth in the state in crime and suggested that the system be shared with other districts as soon as possible. He also asked what other offices

would need to use the system. Mr. Mendez responded that his office has three full-time employees working on the project.

In response to questions, an AODA representative stated that the AODA has the capability for, and would be willing to host, the data site under discussion.

A representative from the SAS Institute for Advanced Analytics stated that the institute has been working with the Second Judicial District Attorney's Office since the beginning of the year; based on its review, SAS believes that the necessary data exist, but a comprehensive system must be developed to house and share data. She said that SAS has a platform that will work.

A number of audience members agreed that a lot of data are captured and that most agencies would benefit from better data sharing. The AODA representatives noted that the AODA already gathers and shares a large amount of data. The AODA also provides victim and interested party notifications regarding a change in status of any criminal case. The AODA's system also provides access to electronic case records to the defense bar. He stated that the AODA is willing to share all data in its possession, subject to legal constraints.

A member of law enforcement pointed out that part of the problem for law enforcement is that each local agency has invested in proprietary information technology (IT) systems, and the information cannot be shared with an incompatible system.

A DPS representative reminded subcommittee members that it is the state repository for most criminal justice data. He stated that the data are available, and the DPS is willing to share the data with any agency to the extent lawfully possible. Also, the DPS has the IT platforms ready to share the information. The only problem is the lack of funds to implement the system. He estimated that it would cost between \$750,000 and \$1 million to solve the problem.

A representative from NM Tech noted that his team is working on developing statewide implementation in its work with the Second Judicial District. It is reviewing existing platforms to determine whether a new platform must be developed. He also noted that NM Tech has worked with the U.S. Department of Defense (DOD) for 17 years and uses the DOD's standards to prevent hacking.

A member summed up the discussion, noting that the goals going forward should be to determine how much information is needed, to create consistent data records among all agencies and to determine the best platform, whether new or existing, to share the data among agencies.

### **Discussion of Possible Legislation**

Subcommittee members discussed plans for the remainder of the interim, noting that they would like to maximize participation among current members and also invite input from other interested legislators. They agreed to meet in Santa Fe on October 25 and to cancel the meeting

scheduled for October 26. They will also consider hearing topics scheduled for October 15 on October 25.

A member pointed out that many of the bills vetoed by the governor going back to 2014 had bipartisan support in both houses. The members agreed to review those and older bills and consider them for reintroduction. There was discussion about combining a number of the popular bills but running the more controversial bills independently, e.g., expungement, solitary confinement, geriatric release and "ban-the-box" legislation.

A member suggested that the other members review the recommendations contained in the four-volume treatise, "Reforming Criminal Justice", a report by the Academy for Justice at Arizona State University's Sandra Day O'Connor College of Law. He noted that bills have already been introduced that address virtually all of the recommendations but suggested that the members review each of the recommendations.

Representative Maestas suggested that all individuals should submit any proposed legislation to staff by October 17, noting that other agencies will likely present their bills for endorsement to the full Courts, Corrections and Justice Committee.

There was discussion with Carl Reynolds from the Council of State Governments on what his group will propose and how to coordinate efforts. He said that his proposals are still in development but noted that probation and parole are underfunded and resources will be needed for the transition to the new administration.

There was also broad discussion on whether the state should build new prisons or refurbish existing ones. Members noted that the prison system has been underfunded for an extended period and that the current estimated cost for updates is \$300 million. They also discussed the need for additional treatment and reentry facilities and the difficulty of providing those services in rural areas where prisons are located in an effort to encourage economic growth. They noted that the system depends on private entities to provide these services, and it is difficult for those entities to locate in rural locations.

### **Public Comment**

An audience member noted that in the 1990s, Los Angeles introduced a program involving gangs to address neighborhood violence. The city met with gang leaders and encouraged them to continue meeting to discuss how to improve safety. He said that they created a system of block captains in high-crime neighborhoods that worked very well. He said the program also improved relations between law enforcement and the public.

An audience member asked the subcommittee to consider children and gender-specific needs when addressing criminal justice issues.

An audience member commented that she is working to complete a master's degree in social work and that most of her classmates are considering leaving New Mexico because of the lack of jobs and low salaries.

**Adjournment**

There being no further business before the subcommittee, the fourth meeting of the Criminal Justice Reform Subcommittee adjourned at 2:45 p.m.